IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 138 of 1980

in

SPECIAL CIVIL APPLICATIONNo 2653 of 1978

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT
and
Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DIPAK GHANSHYAMDAS DESAI

Versus

DALSUKHBHAI TRIKAMBHAI PARMAR

Appearance:

1. LETTERS PATENT APPEAL No. 138 of 1980

MR JR NANAVATI for Appellant No.

MR ARUN H MEHTA for Respondent No. 1-5

FRESH NOTICE REQD(N) for Respondent No. 6

RULE UNSERVED for Respondent No. 7-10

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT
and
MR.JUSTICE K.A.PUJ

Date of decision: 17/04/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

Learned advocate Mr.J.R.Nanavati, learned senior counsel Mr.Mehta and learned AGP Ms.Manisha Shah were present when the matter was called out. It was stated before us that there were two Letters Patent Appeals, one being L.P.A.No 138 of 1980, arising out of the same Special Civil Application No.2653 of 1978, has been finalized by the Division Bench of this Court on 7.4.1994. It is therefore on consensus stated that this Letters Patent Appeal also would not survive any survival value as having become infructuous and therefore, after considering the consensual request and the order passed in the other Letters Patent Appeal, arising out of common special civil application, we are satisfied that this appeal is infructuous and therefore, it shall stand dismissed as having been infructuous.

[J.N.BHATT, ACTING C J]

[K.A.PUJ, J]

SNS